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Blueprint for Censorship

THE PRESIDENT has issued a new directive on "safeguarding national security information." The new rules purport "to reduce the frequency and seriousness of unlawful disclosures of classified information," but the manner in which this objective is to be achieved is startling in its sweep.

The directive is essentially in two parts. The first applies to all the tens of thousands of government employees who have security clearances that authorize them to see and use classified information. Divulging such information is already a crime, but prosecution is impractical, since it would necessarily involve discussing the secret information in open court, and no one has ever been successfully prosecuted. The administration now proposes to enforce the law another way. All federal employees having access to classified information must now sign a non-disclosure agreement as a condition of access. In investigating unauthorized disclosures, agencies may require anyone with access to such material to submit to a lie detector test. Refusal to take a polygraph test will result in sanctions which, at a minimum, permit the agency to deny future access to classified information to the employee in question, and may also include firing him.

Polygraph tests are thought by legal experts to be so unreliable that they are not admitted as evidence in federal courts. Under these new regulations, not only

could flunking the test lead to dismissal, but refusing to submit to one could cost an employee his job. This is a significant expansion of a policy that now applies only to employees of the CIA and NSA and some in the departments of Justice and Defense.

The second part of the directive is even more astonishing. Federal employees with the highest level of clearance—those who are allowed access to "sensitive compartmented information" (SCI)—will be required to sign an agreement that includes a provision for pre-publication review of any books, reports, studies, articles, lecture notes, even novels that they produce for the rest of their lives. All such material will have to be submitted in advance for clearance by the agency or agencies involved. Justice Department officials would not reveal the number of people who have SCI clearance, but they include thousands of the highest officials of the government. The sweep of this directive and the potential for censorship and abuse are appalling. Under the new regulations, many political figures will be subjected to censorship by those who succeed them in office. Pre-publication clearance of ordinary memoirs could take years; it covers all written material, whether or not classified information is involved. What devastating harm to the national security has been done to prompt such harsh proposals for controls? Why isn't Congress yelling its head off?